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**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**



**STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378**

August 17, 2020

TO: Respective EPA and DOH Red Hill Staff

FROM: Jeff Scott, Director, Land, Chemicals, and Redevelopment Division,
U.S. Environmental Protection Agency Pacific Southwest Region

Keith Kawaoka, Env. D., Deputy Director for Environmental Health,
Department of Health

RE: **REGULATORY AGENCIES' RESPONSE TO AND SELECTION OF
LANGUAGE ON AOC DELIVERABLES**

The U.S. Environmental Protection Agency, Region IX, (EPA) and the State of Hawaii Department of Health, will respond to AOC Deliverables received by the Navy in accordance with Paragraph 7 of the AOC. EPA is concerned that the Navy may not willingly respond or work in good faith with the Agencies if direct language within the AOC is used. Therefore, an agreement has been made by both parties that for deliverables that are limited to scope of work or interim submissions, the Agencies may choose to only reference the applicable paragraph in the AOC rather than specifically state the specific action taken by the agencies, provided that the desired outcome, such as revision and resubmission is clearly specified in accordance with the AOC.

However, in responding to final submissions and/or Decision Documents, where final decisions are being made for implementation at the facility, direct language in addition to appropriate reference to applicable paragraph or subparagraph of the AOC shall be utilized to ensure clarity of the Agencies' actions.